

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Shaun A. Bryant, :
 :
Plaintiff, :Case No. 2:16-cv-1189
 :
v. :CHIEF JUDGE EDMUND A. SARGUS, JR.
 :Magistrate Judge Kemp
Major Perry, et al., :
 :
Defendants. :

REPORT AND RECOMMENDATION

Plaintiff, a state prisoner, has submitted a request to file a civil action in forma pauperis. Because the request was not accompanied by sufficient information to allow the Court to determine what filing fee to assess, in an order dated February 13, 2017, the Court directed him to submit, within 30 days of the date of that order, a certified account statement from the prison cashier which indicated both the average monthly balance in his account for the last six months and the amount of income credited to his account during those months.

Plaintiff has not responded to that order. Ordinarily, the Court would then assess the full filing fee and dismiss the case if the fee were not paid within thirty days. However, the last two orders of the Court (Docs. 4 and 9), which include the order directing Plaintiff to submit the certified account statement, have been returned as undeliverable. It appears that Plaintiff is no longer housed at the Franklin County Corrections Center, which is the address provided by him when the case was filed. He has not updated his address. Under these circumstances, the Court assumes that he no longer has an interest in prosecuting this case. It is therefore recommended that the case be dismissed without prejudice for failure to prosecute.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

/s/ Terence P. Kemp
United States Magistrate Judge